

DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING
Heber M Wells Building
160 East 300 South
PO Box 146741
Salt Lake City UT 84114-6741
Telephone (801) 530-6628

**BEFORE THE CONSTRUCTION SERVICES COMMISSION
OF THE DEPARTMENT OF COMMERCE
OF THE STATE OF UTAH**

**IN THE MATTER OF
C.R. PETERSEN, INC.**

**NOTICE OF AGENCY ACTION
FOR UNLAWFUL CONDUCT
BY ENGAGING IN A
CONSTRUCTION TRADE WITHOUT
A LICENSE AND SUBMITTING A
BID WITHOUT A LICENSE**

Case No DOPL-2011- 342

**THE CONSTRUCTION SERVICES COMMISSION TO C R PETERSEN, INC
("Respondent")**

**C R PETERSEN, INC
2160 E PHEASANT LANE
SALT LAKE CITY, UT 84121**

The Division of Occupational and Professional Licensing ("the Division") hereby files this Notice of Agency Action ("Notice") to determine if you have been contracting without a license and representing another's contractor license as your own

This action is based upon Division records and an investigation, which show that Respondent has engaged in unlawful conduct by engaging in a construction trade acting as a contractor without a license, in violation of Utah Code Ann Subsection 58-55-501(1), and "submitting a bid for any work for which a license is required under this chapter by a person not licensed" in violation of Utah Code Ann Subsection 58-55-501(8)

ALLEGATIONS SUPPORTING THIS ACTION

I Respondent has engaged in unlawful conduct

1 On or about June 4, 1999, Respondent became licensed as a contractor under License No 371147-5501 Respondent's license subsequently expired on or about August 26, 2008 as a result of the dissolution of the entity resulting from the expiration of the entity registration at the Utah Division of Corporations

2 On or about September 2009, which was well after Respondent's license had expired, Respondent, in concert with Adair Construction, submitted a bid to Jesse Carr ("Carr") See Price Estimate Bid, attached as Exhibit A The bid contains Respondent's company name and logo See id The bid also contains another company's name – Adair Construction – and a license number of 244328-5501 See id When the bid was submitted, license no 244328-5501 had been previously issued to Adair Construction

3 The bid is signed by "Quintin " Id Upon information and belief, "Quintin" is Quintin Adair, Adair Construction's owner and qualifier

4 On or about December 16, 2009, which was well after Respondent's license had expired and after Respondent had submitted the bid above, Respondent was denied renewal of its license due to failure to repay the Lien Recovery Fund and Respondent's failure to maintain and demonstrate financial responsibility

5 After the bid was submitted, concerns arose which led to a number of phone calls between the bid recipient (Carr) and both Respondent and Quintin Adair

6 On or about September 28, 2009 at 3 25 p m , Quintin Adair acknowledged in a phone conversation with Carr that "the wheel barrel is still there, the plaster is there" and that he told Respondent to "get over there and do [the job] " Quintin Adair also stated "I don't know why we can't get over there and get that [job] done It's just a simple thing "

7 On or about September 29, 2009, a conversation occurred between Carr and Respondent In this conversation, Respondent stated "I'm having a really hard time getting out there to do that grout, simply for the fact that I went above and beyond what we originally went for what we charged you [T]he way it sits, [that job] cost me about \$14,800 to do You gave me \$15,500 I lost my shirt on that job "

8 On or about July 1, 2010, in another conversation that occurred between Quintin Adair and Carr, Quintin Adair acknowledged to Carr that his license was expired "My license is expired, the one that my company is with now is another qualifier So it's a totally different responsible person "

9 Carr subsequently brought legal action against Respondent, Quintin Adair, et al See Case No 100918232

10 On or about December 28, 2010, a judgment in the amount of \$45,508.26 was entered against Respondent in favor of Jesse Carr in case no 100918232. The judgment remains unpaid.

11 Based on the foregoing information, Respondent has engaged in unlawful conduct by practicing without a license, in violation of Utah Code Ann. Subsection 58-55-501(1), submitting a bid without a license, in violation of Utah Code Ann. Subsection 58-55-501(8), and Adair Construction allowed the Respondent to use its license in violation of Utah Code Ann. Subsection 58-55-501(10).

12 Pursuant to Utah Code Ann. Subsection 58-55-503(4), Respondent should be assessed a fine in the amount of \$1,000.

CEASE AND DESIST ORDER

Pursuant to Utah Code Ann. Subsection 58-1-401(4)(b), "the division may issue [a] cease and desist order[] to any person who engages in or represents himself to be engaged in an occupation regulated under this title." Because Respondent has engaged in the construction trade or represented itself to be engaged in the construction trade, the Division is entitled to order Respondent to cease and desist from representing itself as a contractor and engaging in work as a contractor. Accordingly, the Division requests such an order against Respondent.

NOTICE OF INFORMAL PROCEEDING

The adjudicative proceeding designated herein is to be conducted on an *informal basis*, which means that you are not entitled to a hearing. The decision in this matter will be based upon a review of the Division records and any response filed.

Within thirty (30) days of the mailing date of this notice, you are requested to file a written response with the Division. Your response may be helpful in clarifying, refining or narrowing the facts and the violation alleged herein. Your written response should be mailed to

Division of Occupational and Professional Licensing
Attn: Dan S. Jones, Bureau Manager
160 East 300 South
PO Box 146741
SALT LAKE CITY, UT 84114-6741

You may represent yourself or legal counsel may represent you, at your own expense, while this action is pending. If you are represented by legal counsel, your attorney must file a Notice of Appearance with the Division at the address stated above. Until a Notice of Appearance is filed, the presiding officer will communicate directly with you.

Dan S. Jones, Bureau Manager, is designated as the coordinator for the Construction Services Commission, which is the presiding officer over this informal proceeding. If you or your attorney has any questions as to the procedures related to this matter, Mr. Jones can be contacted at the above address or via telephone number at (801) 530-6720.

At the expiration of your deadline to submit a response, and without further notice to you, the presiding officer will make an informal review of the record in this matter and determine whether you have engaged in unlawful conduct, in violation of Utah Code Annotated Subsections 58-55-501(1) and (8).

The maximum administrative sanction in this case is a fine in the amount of \$1,000 and issuance of a cease and desist order from engaging in the construction trade without a license.

Please conduct yourself accordingly.

Dated this 17TH day of October, 2011



W Ray Walker
W Ray Walker
Regulatory and Compliance
Officer